

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 19-CR-10459-RWZ

UNITED STATES

v.

MICHAEL MARRERO

ORDER

October 7, 2020

ZOBEL, S.D.J.


Defendant moves for review of a Magistrate Judge's detention order, issued after a hearing. Review of that decision is de novo. See United States v. Tortora, 922 F.2d 880, 883 n.4 (1st Cir.1990). In order for the court to order defendant detained, clear and convincing evidence must show that detention is necessary to ensure the safety of witnesses and others in the community. See 18 U.S.C. § 3142(f). Or a preponderance of the evidence must demonstrate that the defendant poses a risk of flight and obstruction. See United States v. Patriarca, 948 F.2d 789, 793 (1st Cir. 1991). The government bears the burden of persuasion. United States v. Palmer-Contreras, 835 F.2d 15, 17 (1st Cir. 1987).

Amidst the pandemic, Mr. Marrero asks to be released from custody because he suffers from severe asthma and Crohn's disease. Defendant presented a letter from his doctor stating that he would be "very sick" if he contracted the virus.

Weighed against this individual health risk is the danger posed by Mr. Marrero to the community. There is strong evidence that Mr. Marrero was a leader of the gang's organized, and at times bureaucratic, apparatus of violence. He was the Enforcer for Massachusetts, meaning he was "responsible for maintain[ing] obedience within the membership, executing punishments, coordinating violence against rivals, and maintaining the gang's arsenal." Aff. of Special Agent Dominic Coppo ¶ 17, Dec. 5, 2019. ECF No. 12-1. Evidence shows that he was present at leadership discussions regarding a conspiracy to murder Victims 21 and 22, *id.* at ¶¶ 144–158, and at discussions regarding a "kill order" for a member of the gang, *id.* at ¶¶ 161–172. The evidence of his individual violence is scant; nevertheless, the government is right to point out that leaders of hierarchical gangs can dispatch low-level members to commit violence.

This danger outweighs the health risks posed to the defendant by COVID-19. The motion to revoke the Magistrate Judge's decision (Docket # 1179) is therefore DENIED, without prejudice to renewal if his health so suggests.

October 7, 2020  
DATE

  
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RYA W. ZOBEL  
UNITED STATES DISTRICT JUDGE